

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:04CR79
	§	
PATRICK ANDREW TURLEY	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 27, 2011 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Mandy Griffith.

On March 1, 2005, Defendant was sentenced by the Honorable Michael H. Schneider, United States District Judge, to a sentence of 80 months imprisonment followed by a three-year term of supervised release, for the offense of mailing threatening communications. Defendant began his term of supervision on August 20, 2010.

On December 17, 2010, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 40). The Petition asserts that Defendant

violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (3) Defendant shall reside in an emergency housing facility for a period up to 180 days or until a suitable residence is secured, to commence upon release from confinement and shall observe the rules of that facility.

The Petition alleges that Defendant committed the following violations: (1) On December 5, 2010, Defendant was arrested by McKinney Police for the offense of unlawful carrying of a weapon, Defendant was found to be in possession of a 9-inch blade knife and is currently being held in the Collin County Jail on a \$5,000 bond; (2) Defendant failed to reside at The Bridge homeless center in Dallas, TX, as directed by the U.S. Probation Office. During a visit to The Bridge on October 20, 2010, the United States Probation Office was advised by staff that Defendant was no longer at The Bridge and was residing on the streets.

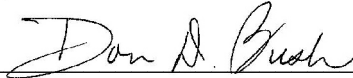
At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the April 27, 2011 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried

out in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

**SIGNED this 16th day of May, 2011.**

A handwritten signature in cursive script, reading "Don D. Bush", written in black ink.

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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE